September 1, 2016
Final Draft
Revised Charter

CHARTER OF THE CITY OF HALLOWELL

(As amended through ~~July 1, 2006~~_____, 2016)*

ARTICLE I

Grant of Powers to the City

SECTION 1 CORPORATE EXISTENCE RETAINED

The inhabitants of Hallowell shall continue to be a municipal corporation under the name of The City of Hallowell and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties, liabilities and obligations provided for herein, or otherwise pertaining to or incumbent upon said City as a municipal corporation; and may enact ordinances, by-laws, and regulations not inconsistent with the Constitution and laws of the State of Maine.

Hallowell has established a City Manager/City Council government per statute.

*[Derivation: 1961 P. & S. L. Ch 63, as amended by 1967 P. & S. L. Ch 117, and as amended by referendum pursuant to home rule authority, November 4, 1975; June 12, 1990; November 2, 1999; November 5, 2002 (effective December 1, 2002); and June 13, 2006 (effective July 1, 2006)]

ARTICLE II

The City Council

SECTION 1 POWERS AND DUTIES

a) The administration of all the fiscal, prudential and municipal affairs of said City with the government thereof, except as otherwise provided by this Charter, shall be and is vested in a Council of 7 members and a Mayor, which shall constitute and be called the Municipal Officers, all of whom shall be qualified voters of said City, and shall be sworn in the manner hereinafter prescribed. Said City Council shall exercise its powers in the manner hereinafter prescribed.

b) The members of the City Council shall be and constitute the legislative body of the City of Hallowell for all purposes required by statute, and except as otherwise herein specifically provided, shall have all the powers and authority given to and perform all duties required of Municipal Officers and Mayors under the laws of the State.

~~c) Repealed.~~

~~d~~c) The City shall continue to be divided into 5 wards with the now existing boundaries; except it shall be the duty of the City Council, once in 10 years and not more often than once in 5 years, to review, and if alteration is deemed necessary, to alter the boundaries of said wards in such manner as to preserve as nearly as convenient an equal number of inhabitants in each ward.

~~e) Repealed.~~

~~f~~d) All other powers now or hereinafter vested in the inhabitants of said City, and all powers granted under Article 1, except as herein otherwise provided, shall be vested in said City Council.

SECTION 2 COMPOSITION, QUALIFICATION, ELECTION, TENURE

a) The City Council shall be composed of the Mayor, subject to Article III, Section 3, and 7 members. Except for the 2 Councilors-at-Large, each Councilor shall be a resident of the ward from which the Councilor is elected.

b) The Councilors-at-Large shall be elected by and from the qualified voters of the City in a regular municipal election. One ward Councilor shall be elected by and from the qualified voters of each of the 5 wards provided for under Section 1 (d) above.

c) For the 2017 regular municipal election, the Mayor and the Councilors from Wards 2 and 4 will be elected to three year terms. One at-large Councilor will be elected to a two year term. For the 2018 regular municipal election, the Councilors from Wards 1 and 5, and one at-large Councilor will be elected to three year terms and the Councilor from Ward 3 will be elected to a one year term.

d) ~~The~~Subsequently, the term of office of all Councilors shall be for ~~two~~three years and until their successors are elected and qualified.

e) No member of the Council shall be eligible to any other office of emolument or profit under the City Charter or ordinances~~ except election workers or school crossing guards~~.

f) No member of the Council shall hold the office of City Manager, nor act as City Manager, during the term for which the Councilor was elected~~, except as provided under Section 5, Article III~~.

g) No member of the Council shall serve concurrently in more than one elective municipal office.

SECTION 3 VACANCIES, FORFEITURE OF OFFICE

a) In case of a vacancy caused by the death, resignation, relocation from the City, or removal from office as hereinafter provided, of any member of the City Council, the Mayor excepted, such vacancy shall be filled by an appointment made by the Mayor and ratified by the City Council, and the member so elected shall serve until the next regular or special municipal election when the vacancy shall be filled. The Council may, but is not required to schedule a special election to fill the vacancy.

b) The vacancy occurring when the President of the Council becomes Acting Mayor shall be filled as provided above.

c) A Councilor who is convicted of murder, or a Class A, B or C crime, or a Class D or E crime involving moral turpitude or dishonesty, while in office, after due notice and hearing before the Council, may be removed from office. If a Councilor is indicted for murder, or a Class A, B or C crime, he or she may be suspended from office until final resolution of the charges, after due notice and hearing by majority vote of the Council.

d) A Councilor shall forfeit his or her office if he or she fails at any time during his or her term of office to maintain any qualification for the office prescribed by this Charter or by law.

SECTION 4 PRESIDENT OF CITY COUNCIL, ELECTION, DUTIES

A President of the Council shall be elected annually at the first meeting of the new Council from among its members by a majority vote of the Council. The President of the Council shall have such duties as are prescribed by this Charter and by the Council.

SECTION 5 SALARY OF COUNCILORS

The salary of each Councilor shall be fixed at $~~400 annually, after December 31, 2003 shall be fixed at $1,000 annually.~~1,500 annually.

SECTION 6 REGULAR MEETINGS, QUALIFICATION

The Council shall meet at the usual place for holding meetings at 7:00 p.m. on the first business day in January, at which time the Mayor-elect and the Councilors-elect shall be sworn to the faithful discharge of their duties by a dedimus justice, notary public or by the City Clerk. Thereafter, the Council shall meet at such time and place as may be prescribed by ordinance or resolution, except that it shall meet regularly once each month.

SECTION 7 SPECIAL MEETINGS

Special meetings may be called by the Mayor and in case of the Mayor's absence, disability, or refusal may be called by a majority of the members of the City Council. Notice of such meeting shall be served in person ~~or~~, left at the residence of each member of the City Council, or will be communicated electronically or by any other reasonable means, at least 24 hours before the time for holding said special meeting.

SECTION 8 QUORUM

Four members of the City Council in addition to the presiding officer shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. At least 24 hours notice of any subsequent meeting shall be given to all members who were not present at the meeting from which the adjournment was taken.

SECTION 9 PROCEDURE

a) The Council shall be the judge of the qualifications and election of its own members. The Council may determine its own rules of procedure and may punish its members for misconduct.

b) The meetings of the Council shall be open to the public and the Council shall keep a record of its proceedings.

c) The Council shall act only by ordinance, order or resolve; and all ordinances, orders and resolves, except when making appropriations, shall be confined to one subject which shall be clearly expressed in the title. The appropriation ~~resolve~~ order shall be confined to the subject of appropriations.

d) No ordinance and no appropriation order shall be passed until it has been read on two separate days, except that in an emergency the requirement for a reading on two separate days may be waived by five affirmative votes of the members of the Council and the reason for the emergency shall be set forth and defined.

e) Every ordinance before final passage shall be posted, marked "Proposed Ordinance", at the City Hall and shall take effect and be in full force 10 days from and after it shall have received final passage by the City Council. Within 10 days after passage, said ordinance may at the discretion of the City Council be published in full in one or more of the newspapers circulating in Hallowell.

f) No ordinance shall take effect until 10 days after its passage except that the City Council may by five affirmative votes of its members pass emergency ordinances to take effect at the time indicated therein, but such emergency ordinances shall contain a section in which the emergency is set forth and defined.

g) The yeas and nays shall be taken on the passage of any ordinance, order or resolve when called for by any member of the Council.

ARTICLE III

The Mayor

SECTION 1 ELIGIBILITY, ELECTION, TENURE OF OFFICE

The Mayor shall be elected by and from the qualified voters of the City. The Mayor shall hold office for a term of ~~2~~3 years and until the Mayor's successor is elected and qualified.

SECTION 2 VACANCY

In case of death, resignation, relocation from the City, or removal from office of the Mayor, the unexpired term shall be filled by the president of the Council, who shall serve until the next regular or special municipal election. The Council may, but is not required to schedule a special election to fill the vacancy.

SECTION 3 POWERS AND DUTIES

The Mayor shall be the chief executive magistrate, and shall be considered as the official head of the City. The Mayor shall preside at all meetings of the Council and shall perform such other duties, consistent with the Mayor's office, as the Council may impose. The Mayor shall have no veto and no vote except in case of a tie. The title of Mayor shall not be considered as conferring upon the Mayor any function of a Mayor under the general laws of the State inconsistent with this Charter.

SECTION 4 SALARY

The salary of the Mayor shall be fixed at $~~1,000 annually, and after December 31, 2003 shall be fixed at $1,600~~2,500 annually

SECTION 5 TO ~~ACT AS~~APPOINT CITY MANAGER IN EMERGENCY

In the event of an emergency resulting in the absence or disability of the City Manager the Mayor ~~may serve and~~ will appoint someone to perform the duties of the City Manager ~~for a period not to exceed 7 calendar days and thereafter Article VI, Section 7 shall apply, unless otherwise provided by ordinance~~until the next regular or special City Council meeting.

ARTICLE IV

The School District

SECTION 1 **RSU #2**

Regional School Unit #2 (RSU #2) was organized pursuant to and in accordance with an order of the Maine School Administrative District Commission dated July 12, 2008. A copy of the Certificate of Organization is on file at the Office of the Superintendent of schools. The City of Hallowell shall provide public schooling to its citizens by participation in RSU #2.

Legal Reference: 20-A MRSA §§ 1001, 1251 et seq.

SECTION 2 NUMBER OF MEMBERS

There shall be two (2) members from Hallowell on the RSU #2 Board of Directors.

SECTION 3 QUALIFICATIONS

A person is legally qualified to become a member of the Board if he or she is a United States citizen, a resident of the State of Maine, a qualified voter in the City of Hallowell thereof by and from which he or she is elected and at least 18 years of age.

Elections shall be nonpartisan. Candidates' qualifications, residency requirements and proper nomination procedures shall be the same as for candidates for City Council.

No member of the Board or spouse shall be an employee in any public school within the RSU.

Legal Reference: 30-A MRSA § 2526, 20-A MRSA § 1002(2)

SECTION 4 TERM OF OFFICE

Each Director serves for three years.

SECTION 5 ELECTION

The Hallowell Directors shall be elected to staggered terms by and from the qualified voters of the City, at the regular municipal election and subject to nomination as hereinafter provided. Before taking office each Director shall be sworn to the faithful performance of their

duties by a dedimus justice, notary public or the City Clerk.

SECTION 6 VACANCIES

When a vacancy on the board of school directors occurs by reason of death, resignation, or otherwise, or when a member shall relocate from the City or be absent from the City for more than 90 days, the Board of School Directors shall declare a vacancy to exist. Such vacancy shall be filled by an appointment made by the Mayor and ratified by the City Council, and the member so elected shall serve until the next regular or special municipal election when the vacancy shall be filled.

SECTION 7 CHANGES IN THE LAW

Subsequent changes to State statutes affecting these provisions are automatically incorporated into this Charter.

ARTICLE V

Nominations and Elections

SECTION 1 DATE OF ELECTION

a) The Municipal elections under this Charter shall be held annually on the first Tuesday next following the first Monday in November, the intent being to coincide with the annual statewide elections and special elections, if needed, shall be held according to the provisions of Article V, Section 2(~~e~~c).

b) At these annual elections the qualified voters of the City shall ballot for members of the City Council, the Mayor, and the school ~~administrative district~~ directors; and the candidates for these offices shall be duly qualified under the nomination regulations contained herein.

SECTION 2 PROCEDURE TO DETERMINE RESULTS

a) All of the votes cast for the several officers shall be publicly sorted, counted, declared and registered by causing the names of the persons voted for and the number of votes given for each to be written at length on the ward record. The Ward Clerks shall forthwith deliver to the City Clerk a certified copy of the record of the votes cast at such election.

b~~) Repealed.~~

~~c) Repealed.~~

~~d~~) At any election, the person or persons receiving the highest number of votes for an office, not exceeding the number to be chosen, shall be deemed and declared elected to such office.

~~e~~c) If it shall happen that no person shall have been elected to any office, in the event of a tie vote, or if a person so elected shall refuse to accept the office, a warrant for a special election shall be issued forthwith by the City Clerk, said special election to be held not later than 90 calendar days from date of issuance. Nomination papers shall follow the same general procedure as specified for a regular election, the final date for filing same shall be 60 calendar days prior to date of said special election.

~~f~~d) The vacant office shall be filled by an appointment made by the Mayor and ratified by the City Council, and the member so elected shall serve until the special election when the vacancy shall be filled.

SECTION 3 ~~WARDENS~~WARDEN, WARD ~~CLERKS~~CLERK AND ELECTION CLERKS, ELIGIBILITY, TENURE, DUTIES AND POWERS

a) The ~~Wardens~~Warden, Ward ~~Clerks~~Clerk, and Election Clerks appointed as hereinafter provided shall be registered and enrolled voters of the City of Hallowell, and shall hold their offices for 2 years from the date of their appointment, and until a

successor is chosen and appointed. The ~~Wardens~~Warden and Ward ~~Clerks~~Clerk and Election Clerks shall be sworn to the faithful performance of their duties by the City Clerk and a certificate of such oath shall be entered by the Clerk on the City records.

b) The ~~Wardens~~Warden shall preside at the Polling Place and if at any election a Warden shall not be present a Ward Clerk may perform the duties of the Warden. The Ward ~~Clerks~~Clerk shall record all the proceedings and certify the votes cast and return a certified copy of the results to the City Clerk as soon as they have been tabulated.

c) The Election Clerks shall attend the voting place at each election during the time the polls are open or during the counting of the ballots after the polls close, as required by the terms of their appointment. They are under the direction of the ~~Wardens~~Warden and shall assist the ~~Wardens~~Warden as requested.

SECTION 4 NOMINATIONS FOR ELECTIVE OFFICES TO BE BY PETITION

a) The nomination of all candidates for elective offices provided for by this Charter shall be by petition.

b) The petition for candidates for Mayor, for 2 Councilors-at-Large and for ~~3~~2 school ~~administration district~~ directors shall be signed by not less than 50 nor more than 100 qualified voters of the City.

c) The petition for a candidate for the City Council for each ward shall be signed by not less than ~~10~~25 nor more than ~~20~~50 qualified voters of the ward.

d) All signers of nomination petitions shall be designated as sponsors of the candidate named in such petitions.

e) No voter shall sign petitions for more than one candidate for each office to be filled at the election and should any voter sign more than one such petition his signature shall be counted only upon the petition first filed and shall be held to be void upon all other petitions.

SECTION 5 FORM OF NOMINATION PAPER

a) The signatures to nomination papers need not all be affixed to one nomination petition, but to each separate petition there shall be attached an affidavit of the circulator thereof stating the number of signers of each petition, and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer giving the street and number of the street, or a description sufficient to identify the same.

b) The form of the nomination petition shall be substantially as follows:

To the City Clerk of the City of Hallowell

We, the undersigned voters of the City of Hallowell, hereby nominate and sponsor _____whose residence is _____for the office of _____, to be voted for at the election to be held in the City of Hallowell on the _____ day of _____ _____; and we individually certify that we are qualified to vote for a candidate for the above office and that we have not signed more nomination petitions of candidates for this office than there are vacancies to be filled. Signatures must be the same as given on the registration form.

Name_____ Street and Number_____ being duly sworn, deposes and says that he is the circulator of the foregoing nominating petition containing _____ signatures, and that the signatures appended thereto were made in his presence and are the signatures of the persons whose names they purport to be.

Signed_____

Subscribed and sworn to before me this _____ day of _____

_____
Notary Public

If this petition is deemed insufficient by the City Clerk then the City Clerk shall forthwith notify by mail _____at No. _____Street.

SECTION 6 FILING NOMINATION PAPERS; ACCEPTANCES OF NOMINATIONS MUST BE FILED

The nomination petitions of any one candidate shall be assembled and united into one petition and filed with the City Clerk not earlier than 8 a.m. on the first Tuesday in August nor later than 5 p.m. on the first Tuesday in September. With such nomination petition there shall be filed the consent in writing of the person proposed therein as candidate, agreeing to accept the nomination if nominated, not to withdraw, and, if elected, to qualify for such office.

SECTION 7 BALLOTS, ETC. TO BE PREPARED BY THE CITY CLERK

The City Clerk shall cause to be prepared specimen ballots and official ballots for use in all City elections.

SECTION 8 FORM OF BALLOT

Ballots for use in elections under this Charter shall contain the names of the various candidates, with their residence and the office for which they are a candidate. Such ballots shall be without party mark or designation.

SECTION 9 SPECIMEN BALLOTS TO BE PUBLISHED AND POSTED

The City Clerk shall cause specimen ballots to be posted in public places at the Polling Place and at City Hall. Such specimen ballots shall be printed on colored paper and marked specimen ballots and shall contain the names of the certified candidates with the residence of each, instructions to voters, and such measures as may be submitted to the voters by the Legislature or by the City Council. Such ballots shall be without party mark or designation.

SECTION 10 STATE LAWS NOT INCONSISTENT APPLICABLE

The provisions of the laws of the State of Maine relating to the qualifications of electors, registration, the manner of voting, the duties of election officers, and all other particulars in respect to preparation for conducting and management of elections, so far as they may be applicable, shall govern all municipal elections of Hallowell, except as otherwise provided in this Charter.

SECTION 11 WRITE-IN VOTES

Write-in votes are governed by 30-MRSA 2501 (3) as it may be amended from time to time. The City Council shall make the determination as to how to process write-in votes pursuant to statute.

ARTICLE VI

ARTICLE VI is repealed in its entirety and replaced with the following:

ARTICLE VI

APPOINTMENTS

SECTION 1 MAYOR/CITY COUNCIL

A. MAYOR/COUNCIL APPOINTMENTS

1) The following officers and boards, except as herein otherwise provided, shall be appointed by the Mayor and ratified by the City Council. The appointment will be made for the length of the term of office or any remaining term of office in case of a vacancy.

   a) Trustees of the Hallowell Water District
   b) Board of Assessors
   c) Board of Trustees of Hallowell Cemetery
   d) Planning Board
   e) Warden, Ward Clerk and Election Clerks
   f) Board of Appeals
   g) Conservation Commission
   h) Recreation Commission
   i) Board of Trustees of Greater Augusta Utilities District
   j) Board of Assessment Review
   k) All other appointments as determined by the City Council

2) The City Solicitor shall be appointed by the Council. He or she shall be a licensed Maine attorney.

B. POWER OF COUNCIL WITH REGARD TO APPOINTIVE OFFICERS AND BOARDS

The Council shall have power by ordinance or resolve to create and / or abolish any new appointive officer or board excepting that of City Manager.

C. APPOINTIVE OFFICERS, TENURE, REMOVAL, VACANCY

1) Appointive officers and members of boards shall be appointed and have tenure as provided in this Charter and in the ordinances establishing such boards.

2) Appointive officers and boards whose terms are specified in this Charter or in the ordinances may be removed by majority vote of the Council upon written charges and after a public hearing on the same.

3) Any vacancy in any appointive office shall be filled for the unexpired portion of the term in the same manner as the original appointment.

4) Unless otherwise expressly prohibited, the incumbent of any office is eligible for reappointment.

SECTION 2 THE CITY MANAGER

A. The City Manager will be hired by the City Council and is subject to the City Manager statutes. The Council may enter into a contract with the Manager setting forth the particular terms of his or her employment.

B. APPOINTMENT AND QUALIFICATION OF THE CITY MANAGER

The City Manager shall be chosen by the City Council on the basis of character and executive and administrative ability and qualifications. He or she shall give bond to the City of Hallowell for the faithful performance of duties in such sum as the City Council shall determine and direct, and with surety to be approved by the City Council. The premium on the bond shall be paid by the City.

C. POWERS AND DUTIES OF THE CITY MANAGER

The City Manager shall be the administrative head of the City and shall be responsible only to the City Council for the administrative management of all departments of the City. The powers and duties of the City Manager shall be as follows:

1) To act as Purchasing Agent for the City. Each department head shall make requisitions to the Purchasing Agent and the Purchasing Agent shall be the only person authorized to make contracts or purchases for the City.

2) To make appointments as provided for in this Charter or as required by law.

3) To assign or reassign duties among employees, officials and other appointed positions subject to Ordinances and State law.

~~5~~4) To attend meetings of the City Council and recommend for adoption such measures as he may deem expedient.

~~6~~5) To keep the City Council fully advised as to the business and financial condition of the City as well as the future needs of the City and to furnish the City Council with all the available facts, figures, and data connected therewith when requested.

~~7~~6) To act as Street / Road Commissioner.

~~8~~7) To perform such other duties as may be prescribed by this Charter or required by ordinances of the City, any other provisions of statute to the contrary notwithstanding.

~~9~~8) The City Manager may be removed from office pursuant to the procedures set forth in State law, 30-A M.R.S. § 2633.

D. The following appointments shall be made by the City Manager and ratified by the City Council. The appointments shall occur only upon initial appointment to the position and thereafter the employees will be under the control of the City Manager.

1. Police Chief
2. Fire Chief
3. City Clerk
4. Treasurer
5. Tax Collector
6. Code Enforcement Officer
7. Building Inspector
8. Plumbing Inspector
9. All other department heads now existing, or which may be appointed, or established through ordinance or resolve.

E. SALARIES

Salaries of the appointees and all subordinate employees of the City Manager shall be fixed by the City Manager, subject to approval of the budget by the City Council and any Collective Bargaining Agreements in effect.

SECTION 3 OTHER APPOINTMENTS

A. INTERIM CITY MANAGER

During any vacancy in the office of City Manager and during the prolonged absence or disability of the City Manager, the City Council may designate a properly qualified person to serve and perform the duties of Interim City Manager and fix the compensation. The Interim City Manager shall have the same powers and duties as those given to and imposed upon the City Manager. Before assuming duties, the Interim City Manager shall give bond to the City of Hallowell in a sum and with surety to be approved by the City Council. The premium on such bond is to be paid by the City.

B. ASSESSORS OF TAXES

1) The assessors of taxes shall not be more than 3 in number, or as required by State Statute, appointed by the Mayor pursuant to Article VI (1) (a). One assessor shall be appointed each year for a term of 3 years and serve until a successor is appointed and qualified.

2) The assessors appointed as above provided shall exercise the same powers and be subject to the same duties and liabilities that similar officers of the several towns and cities in the state may exercise, and may now or hereafter be subject to under the laws of the State.

C. GENERAL ASSISTANCE ADMINISTRATOR DUTIES

1) A General Assistance Administrator shall be appointed as herein provided and shall be authorized to sign written notices and written answers as required by the revised statutes of the State and City Ordinances.

2) The duties of said General Assistance Administrator shall be the executive management of the general policies as outlined in the ordinances and be directly responsible in the details of the management of the department to the appointive authority.

3) It is specifically provided that all purchases necessary for the General Assistance Administrator shall be made upon formal requisitions through the purchasing agent of the City as herein provided.

D. BOARD OF ASSESSMENT REVIEW

1) BOARD OF ASSESSMENT REVIEW 30-A MRSA § 2526 (6)

2) ESTABLISHMENT

The City hereby establishes a Board of Assessment Review pursuant to Statute.

3) QUALIFICATIONS

Members shall have knowledge and/or demonstrated interest in the responsibilities and duties of a Board of Assessment Review.

4) COMPOSITION

The Board of Assessment Review shall consist of five (5) members for staggered terms of three (3) years each. The mayor shall appoint the members subject to Council confirmation. Members shall annually elect their Chairman, Vice-Chairman, and Secretary.

5) DUTIES 30-A MRSA § 2526 (6)

The duties and procedures are governed by Maine Statute and Ordinances of the City.

ARTICLE VII

Business and Financial Provisions

SECTION 1 ACCOUNTS AND RECORDS

a) Accounts shall be kept by the City Treasurer showing the financial transactions of all departments of the City. Forms for all such accounts shall be prescribed by the City Treasurer, with the approval of the City Manager. Accounts shall be kept in such a manner as to show fully at all times the financial condition of the City.

b) The City Treasurer shall furnish to the City Manager, prior to the first regular meeting of the City Council in each month, a report containing in detail the receipts and disbursements of the City on all accounts, the expenditures made and the obligations incurred during the preceding calendar month, and a balance sheet showing the financial condition of the City, of the several funds, and the total unexpended balance to the credit of each department or appropriation account.

SECTION 2 APPROVING OF BILLS

The City Treasurer shall receive and check all bills, invoices and other claims and demands against the City. These bills shall be approved before payment by one or more members of the Council as may be designated for this duty. Payment of all bills shall be made as provided under Section 11 of this Article.

SECTION 3 AUDIT

All accounts of the City shall be audited annually by a state auditor or a qualified public accountant as chosen by the City Council.

SECTION 4 REPORTS

The City Treasurer shall publish each month a statement of financial condition of the City. Each of the administrative officers and boards shall annually, on such date as may be fixed by the City Council, render to the City Manager a full report of the transactions of his or their department for the year. On the basis of these reports, as audited as hereinbefore provided, the City Manager shall prepare and publish an annual report for general distribution. In addition to a summary of the services rendered by the various departments, the report shall show.

a) Receipts classified according to sources.

b) Expenditures classified according to objects. The classification of receipts and expenditures in the report shall conform in general to the classification employed in the City's accounting system.

c) Balance sheets.

d) Such other financial information as may be required by the City Council.

SECTION 5 ANNUAL BUDGET

Not later than the regular March Council meeting the City Manager, in cooperation with the standing committees of the City Council and department heads, shall submit to the City Council budget estimates for the ensuing fiscal year. This budget shall be compiled from detailed information furnished by the administrative officers and boards on blanks, the forms for which shall be designated by the City Manager and shall contain:

a) Exact statement of the financial condition of the City.

b) Itemized statement of appropriations recommended for current expenses and for permanent improvements; with comparative statements in parallel columns of expenditures for the current and next preceding fiscal year. Any increases or decreases in any item or items shall be indicated.

c) Itemized statement of estimated revenue from all sources other than taxation; and a statement of taxes required, with comparative figures from the current and next preceding year.

d) Such other information as the City Council may require. The budget shall be posted not later than 2 weeks after its submission to the City Council. The City Council shall fix a time and place for holding a public hearing upon the budget and shall give a public notice of such hearing, which shall be at least 10 days before the final passage of the appropriation order.

SECTION 6 APPROPRIATION ORDER

Prior to the beginning of the fiscal year or as early as possible after the beginning of the fiscal year, the City Council shall pass an annual appropriation order, which shall be based upon the budgets submitted by the City Manager. The total amount appropriated shall not exceed the estimated revenue of the City. Before the annual appropriation order has been passed the City Council may make appropriation for current departmental expenses, chargeable to the appropriation for the year, when passed, to an amount sufficient to cover the necessary expenses of the various departments until the annual appropriation order is in force.

SECTION 7 BORROWING

The borrowing of money by and for the City shall be limited as to form and purpose by the provisions of Sections 8 and 9 of this Article. The credit of the City shall in no manner be loaned to any individual or corporation.

SECTION 8 BOND ISSUES

Money may be borrowed, within the limits fixed by the constitution and statutes of the state now or hereafter applying to said Hallowell, by the issue and sale of bonds or notes pledged on the credit of the City, the proceeds to be used for any lawful purpose. No order providing for the issue of bonds shall be passed without public notice given by posting notice of the same in 2 public places in the City of Hallowell, and publishing said notice in at least 1 daily newspaper distributed in said Hallowell at least 2 weeks before final action by the City Council, and the approval of five affirmative votes of the members of the City Council. Every issue of bonds shall be payable within a fixed term of years; if said bonds are issued in payment of indebtedness incurred for a permanent improvement the terms of such bonds shall not exceed the estimated period of utility of said improvement but the declaration of the City Council embodied in the order authorizing the issue shall be a conclusive determination of the estimated period of utility thereof; and the term within which all bonds shall be made payable shall in no case exceed 30 years. Bonds issued after the adoption of this Charter shall be made payable in annual, serial and appropriately equal installments as pertains to principal, and interest shall be made payable semiannually. Every order for the issue of bonds, except for revenue bonds, shall provide for a tax levy for each year of an amount necessary to meet the payment of the annual, serial installment of principal and interest; and such amounts shall be included in the tax levy for each year until the debt is extinguished. No order or orders providing for the issue of bonds which in the aggregate total in excess of $250,000, pledging the full faith and credit of the City and approved by the City Council in any one fiscal year, shall become effective until ratified by a majority of the voters voting thereon at a general or special election.

SECTION 9 TEMPORARY LOANS

Money may be borrowed in anticipation of receipts from taxes during any fiscal year but the aggregate amount of such loans outstanding at any one time shall not exceed 80% of the revenue received from taxes during the preceding fiscal year. All such loans shall be paid within the year out of receipts from taxes for the fiscal year in which said loans are made. Money may be borrowed in anticipation of money to be received from the sale of bonds to be issued, in case such bond issue has been authorized; all such loans shall be paid within one year and are subject to the laws of the State of Maine in relation thereto. This Section shall not limit in any way the power granted by statute to towns and cities to borrow money.

SECTION 10 ~~LIQUIDATION INDEBTEDNESS~~

~~Repealed.~~

~~**SECTION 11**~~ PAYMENTS

a) Money shall be paid out only on warrants on the City treasury issued by the City Treasurer and countersigned by a member of the City Council to be designated from time to time by said City Council.

b) The City Treasurer shall examine all payrolls, bills and other claims and demands against the City, and shall issue no warrant for payment until the claim is in proper form, correctly computed, duly certified and legally due and payable.

c) The City Treasurer may require any claimant to make oath to the validity of his claim, may investigate any claim, and for such purpose or purposes may examine witnesses under oath.

SECTION ~~12~~11 BOND OF OFFICERS

The City Council shall require a bond with sufficient surety, satisfactory to the City Council, from all persons trusted with the collection, custody or disbursement of any of the public moneys; and may require such bond from such other officials as it may deem advisable; the premium charges for said bonds to be paid by the City.

SECTION ~~13~~12 COLLECTION AND CUSTODY OF CITY MONEYS

All moneys received by any officer, employee or agent of the City belonging to the City, or for or in connection with the business of the City, shall forthwith be paid by the officer, employee or agent receiving the same into the City treasury, and shall then be deposited by the City Treasurer with some responsible banking institution or institutions to be chosen by said City Council. All interest from, all deposits of money belonging to the City shall accrue to the benefit of the City.

SECTION ~~14~~13 PURCHASING OF SUPPLIES

a) The City Manager shall act as Purchasing Agent.

~~b) The Purchasing Agent shall purchase all supplies according to Subsection I of Section 6 of Article VI. No purchase of supplies exceeding an amount set by the City Council shall be made except through authorization of City Council.~~

~~c) The Purchasing Agent or designee shall insure the delivery of supplies to each officer and department to whom they belong, and take and file receipts therefore. The Purchasing Agent shall conduct all sales of property which belong to the City which are unfit or unnecessary for the City's use, but only after such sale has been authorized by the City Council and subject to such restrictions as the City Council may provide by ordinance.~~

b) The City Council by Policy or Ordinance shall set forth procedures for purchases in the City.

ARTICLE VIII

Initiative and Referendum

SECTION 1 PETITION FOR OVERRULE OF ACTION OF THE COUNCIL

All ordinances, resolutions or votes, except those making appointments, removals, or regulating exclusively the internal procedure of the Council, may be overruled by a referendum as follows:

If, within 30 days after the enactment of any such ordinance, resolution or vote, a petition signed by not less than ~~25~~ 15% of the total vote for all candidates for Governor in the latest gubernatorial election in the City of Hallowell is filed with the City Clerk requesting its reference to a referendum, the Council shall call a public hearing to be held within 30 days from the date of the filing of such a petition with the City Clerk and shall, within 30 days after the said public hearing, call a special municipal election for the purpose of submitting to a referendum vote the question of adopting such ordinance, resolution or vote, unless the Council votes to repeal the decision in question. Pending action by the municipal electors, the referred ordinance, resolution or vote shall be suspended from going into operation until it has received a vote of the majority of the voters voting on said question.

SECTION 2 PETITION FOR ENACTMENT OF ORDINANCES

Not less than ~~25~~15% of the total vote for all candidates for Governor in the City of Hallowell in the latest gubernatorial election may at any time petition over their personal signatures for the enactment of any proposed lawful ordinance by filing such petition, including the complete ~~test~~ text of such ordinance, with the City Clerk. The Council shall call a public hearing to be held within 30 days from the date of the filing of such petition with the City Clerk, and shall within 30 days after said public hearing, call a special municipal election for the purpose of submitting to a referendum vote the question of adopting such ordinance, unless prior to the call for said municipal election, such ordinance shall be enacted by the Council. Such ordinance shall take effect on the 10th day after the conclusion of such referendum, provided a majority of those voting thereon shall have voted in the affirmative.

Any such proposed ordinance shall be examined by the City Attorney before being submitted to referendum. The City Attorney is authorized to correct the form of such proposed ordinance for the purpose of avoiding repetitions, illegalities and unconstitutional provisions, to assure accuracy in its text and references and clearness of preciseness in its phraseology, but shall not materially change its meaning and effect.

SECTION 3 FORM OF BALLOT

The form of ballot for the proposed ordinance, resolution, or vote shall be substantially as follows:

Shall the proposed ordinance, resolution, or vote, a copy which is printed herein or attached hereto, be adopted?

YES_____NO_____

The voter must make the appropriate mark

ARTICLE IX

Miscellaneous Provision

SECTION 1 NO PERSONAL INTEREST

No City Manager, no member of the City Council, no subordinate City officer, no member of any board or commission charged with the expenditure of any money appropriated by the City Council belonging to the City, no officer or employee of the City, elected or appointed, shall be interested, directly or indirectly, in any contract entered into by or in behalf of the City of Hallowell for work or material, or the purchase thereof, to be furnished to or performed for the City; and all contracts made in violation hereof are void and the City Treasurer is expressly forbidden to pay any money out of the City treasury on account of any such contract. No such officer or employee shall accept or receive from any person, firm or corporation acting under a franchise or license from the City, any frank, free pass, free ticket, or free service, or accept directly or indirectly from any person, firm or corporation any service upon terms more favorable than those granted to the public generally. This provision shall not apply, however, to any free service now or hereafter provided for by contract, franchise or ordinance.

SECTION 2 CAPITALIZATION OF TERMS AND TITLES

The City Council may by Order determine the use of capitalization and lower case for terms and titles within the text of this Charter in a consistent manner, regardless of the original form of enactment, provided that no change in the meaning of any Charter provision is created.

The terms he, him and his refer equally to she, her and hers.

[End of City Charter]